

"And to divide the territory of Foley county between the counties of Brewster and Presidio."

Second. Amend line 19, section 1, by striking out the figures "55" and "1-2 75" and insert therefor respectively "54" and "1-2 74."

And strike out the words "south-east" in line 20, section 1, and insert therefor the words "northeast."

The amendment to the caption was adopted by the following vote:

YEAS—23.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

The second amendment was adopted by the following vote:

YEAS—23.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

The bill passed by the following vote:

YEAS—23.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Burges,	Maetze,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—None.

On motion of Senator Armistead,
The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, February 6, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Burges,
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Tyler,
The Secretary, C. M. Boynton, was excused for to-day, on account of sickness.

On motion of Senator Frank,
Senators Field and Glasscock were excused until Friday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Ingram:

A petition from the citizens of San Augustine county, asking a pension for Ransom Sowell.

Referred to Committee on State Affairs.

Petition from the citizens of Knox county, asking passage of an act validating land board sales.

Referred to the Committee on Public Lands.

By Senator Harrison:

Memorial from business men of Waco, protesting against the passage of certain bills.

Referred to Committee on State Affairs.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am instructed to inform the Senate that the House has passed

House bill No. 439, a bill to be entitled "An act to authorize the Governor to extend further time to the Capitol Furnishing Board, Expert and Engineer provided for by an act of the spec-

ial session of the Twentieth Legislature, approved May 17, 1888,"

Under a suspension of the constitutional rule and by a two-thirds vote, there being

Yeas, 80; nays, 10.

W. M. IMBODEN,
Chief Clerk House of Representatives.

The President referred the bill just reported to the Committee on Public Buildings and Grounds.

REPORTS OF STANDING COMMITTEES.

By Senator Stephens:

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 200, being "An act to amend article 3597 of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

STEPHENS,
Acting Chairman.

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 120, being "An act to amend chapter 83 of the General Laws, articles 339 and 341, of Texas, approved March 29, 1887, chapter 4, title X, of the Penal Code of the State of Texas, and by adding thereto articles 341a and 341b,"

And find the same correctly engrossed.

STEPHENS,
Acting Chairman.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 179, entitled "An act to amend article 4822, title 97, of the Revised Civil Statutes of the State of Texas, and to add to said title article 4822a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill provides that any person who has mortgage or other lien on personal property that has been levied upon by the sheriff under writ of execution, etc., may have trial of right of such property; and where the property is susceptible of division, the officer shall deliver to such person as much thereof as, in the judgment of such officer, is sufficient to pay the debt, interest and costs.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 174, entitled "An act to provide for the giving of notice of the pendency of actions and proceedings of the courts of this State affecting titles to real property and for the registration of such notices,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. —, on the same subject.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs to whom was referred

Senate bill No. 106, entitled "An act to amend article 587, chapter 3, title 20 of the Revised Civil Statutes of Texas.

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill requires that directors of corporations shall, when required by one-fifth of the stockholders, make yearly reports to all the stockholders

of the financial condition of the corporation, and distribute as dividends to the stockholders all the net profits per year, provided that when same exceeds 8 per cent. then they may be distributed as a majority of the stockholders may determine.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 2, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 166, entitled "An act to relieve certain claims of property from double taxation,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it lie on the table to await the action of the House on similar bills.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 161, entitled "An act to amend articles 4739, 4740 and 4741, title 95, chapter 4, of the Revised Statutes, regulating the collectors of taxes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 39, entitled "An act to authorize and require the county commissioners' courts of the several counties in this State to levy and col-

lect a tax sufficient in amount to pay off and liquidate all teachers claims for services in the public schools which have been audited and found valid by the county commissioners' courts under acts of the Legislature approved August 7, 1876, April 22, 1879, and April 2, 1883,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

By Senator Burges:

COMMITTEE ROOM,
AUSTIN, January 30, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred

Senate bill No. 143, entitled, "An act to provide for leasing unorganized county school lands,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following committee amendments:

Amend line 16, page 2, by inserting the word "one" after the word "any," and same line and page by inserting after the word "person" the words "firm or corporation."

Amend line 18, page 2, by striking out the word "two" and insert the word "three."

Amend page 4, by striking out section 6 of bill.

Amend by striking out section 7 and insert the following as section 6:

Whereas, there is no law providing for a lease of said lands and the importance of this act creates an emergency and an imperative public necessity exists which requires the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

All of which is respectfully submitted.

BURGES,
Chairman.

Bill read first time.

By Senator Jarvis:

COMMITTEE ROOM.
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 123, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Executive office—Insert between lines 5 and 6 the words "postage, telegraph and freight, eight hundred (800)."

In line 12 strike out "fifteen thousand (15,000)," and insert "ten thousand (10,000)."

Strike out line 13.

State Department—Strike out line 8.

Treasury Department—Strike out line 18.

In line 19 strike out "three hundred (300)" and insert "five hundred (500)."

Comptroller's Department—In line 3 strike out "one thousand six hundred (1600)" and insert "one thousand seven (1700)."

In line 16 strike out "one thousand two hundred and fifty" and insert "one thousand two hundred"; also in same line strike out "twelve thousand five hundred (12,500)" and insert "twelve thousand (12,000)."

Strike out line 19.

In line 22 insert "one thousand five hundred (1500);" and in line 23 strike out the word "and" and strike out "two thousand five hundred (2500)" and insert "two hundred and fifty (250)."

General Land Office—In line 8 strike out "one thousand three hundred and fifty (1350)" and insert "one thousand four hundred (1400)."

In line 15 strike out the word "three" and insert the word "two," also in same line strike out "three thousand six hundred (3600)" and insert "two thousand four hundred (2400)."

In line 24 strike out the word "eight" and insert the word "seven," also in same line strike out "nine thousand six hundred (9600)" and insert "eight thousand four hundred (8400)."

In line 27, after the word "portage," add the words "and telegraphing."

Attorney-General's Office—Strike out lines "8" and "9."

Adjutant General's Office—In line 3, after the word "telegraph" add the words "and contingent," also in same line strike out "two hundred fifty (250)" and insert "three hundred (300)."

Strike out line 5.

Department of Insurance, Statistics, etc.—Strike out line 6.

In line 9 strike out the word "eight."

In line 14 insert "one thousand two hundred (1200)."

Supreme Court—In line 4, strike out "three hundred and fifty (350)" and insert two hundred and fifty (250).

After line 12 add the following: "Bill of Callaghan & Co. for purchase of books, three hundred and eleven dollars and fifty cents."

Commission of Appeals—In line 6 strike out "two hundred (200)" and insert "one hundred (100)."

Court of Appeals—In line 8 strike out "two hundred (200) and insert "three hundred and fifty (100);" also after line 8 add the following: "Deficiency for books and stationery one hundred and thirty-six dollars and five cents."

Judicial Department—In line 2 strike out "forty-three" and insert "forty-seven;" also in same line strike out "one hundred and seven thousand five hundred (107,500)" and insert "one hundred and seventeen thousand and five hundred (117,500)."

Superintendent Public Buildings and Grounds—In line 8 strike out "twelve thousand (12,000)" and insert "nine thousand (9000)."

In line 9 strike out "eight" and insert "five;" also in same line strike out "three thousand four hundred and eighty (3480)" and insert "two thousand four hundred (2400)."

In line 10 strike out "one thousand two hundred;" also in same line strike out "two thousand four hundred (2400)" and insert "one thousand two hundred (1200)."

In line 19 strike out "two thousand (2000)" and insert "one thousand (1000)."

Strike out line 25.

Pension Department—In line 9 strike

out "one hundred (100)" and insert "one hundred and fifty (150)."

State Lunatic Asylum—Strike out line 4.

In line 15 strike out "two" and insert "one;" also, in same line strike out "four hundred and eighty (480)" and insert "two hundred and forty (240)."

After line 15 add "salary of one carpenter, seven hundred and twenty (720)."

In line 26 strike out "three" and insert "four;" also, in same line strike out "seven hundred and twenty (720) and insert "nine hundred and sixty (960)."

In line 29 strike out "twelve thousand (12,000)" and insert "fifteen thousand (15,000)."

In line 30 strike out "eight hundred (800)" and insert "one thousand eight hundred (1800)."

In line 34 strike out "five thousand (5000)" and insert "one thousand six hundred (500)."

Between lines 34 and 35 add the following: "Putting new roof on north building and old building, three thousand three hundred and sixteen (3316)."

In line 35 strike out "two thousand (2000)" and insert "one thousand (1000)."

Between lines 14 and 15 add: "One assistant cook, three hundred and sixty (360)."

North Texas Insane Asylum—In line 3, after the word "superintendent," add the words "and physician."

In line 18, between the words "of" and "word," insert the words "thirty-two;" also, in same line strike out "six thousand (6000)" and insert "seven thousand six hundred and eighty (7680)."

In line 2, last column, strike out "thirty thousand" and insert "forty thousand." Strike out line 23.

Deaf and Dumb Asylum—In line 2 strike out "one thousand (1000)" and insert "one thousand five hundred (1500)." Between lines 7 and 8 add: "Three additional teachers, when necessary, at four hundred and eighty dollars each," one thousand four hundred and forty (1440.) In line 8 insert "one thousand (1000)." In line 12 strike out "three hundred (300)" and insert three hundred and forty (340)." Add after line 13 the following: "Improving grounds, two hundred and fifty (1000)." In line 14

strike out "three" and insert "four," also in same line strike out "five hundred and forty (540)" and insert "seven hundred and twenty (720)." In line 16 strike out "four hundred and fifty-six (456)" and insert "five hundred and forty (540)." In line 20 strike out "six hundred (600)" and insert "seven hundred and twenty (720)." In line 21 strike out "six hundred (600)" and insert "seven hundred and twenty (720)." In line 26 strike out "two thousand (2000)" and insert "one thousand five hundred (1500)." In line 28, first column, strike out "one thousand five hundred" and insert "one thousand."

Blind Asylum—In line 2 strike out "six thousand five hundred (6500)" and insert "seven thousand five hundred (7500)." In line 10 strike out "five hundred (500)" and insert "seven hundred and twenty (720)." In line 12 strike out "eight hundred (800)" and insert "seven hundred (700)." In line 17 add the words "hot water tanks, pipes, etc.;" also in same line strike out "two thousand five hundred and" "one thousand five hundred" and insert "three thousand" and "one thousand." After line 18 add the following: "Musical instruments, household and kitchen furniture, two thousand, one thousand." In line 19 strike out "eighteen thousand (18,000)" and insert "twenty thousand (20,000)."

Orphan Asylum—In line 17 strike out "one thousand eight hundred" and insert "one thousand five hundred."

Reformatory—In line 3 strike out "six hundred (600)" and insert "four hundred and eighty (480)." In line 4 strike out "six hundred (600)" and insert "four hundred and eighty (480)." In line 12, last column, strike out "two thousand one hundred" and insert "one thousand eight hundred."

In line 46 strike out "two thousand, thousand five hundred" and insert "one thousand five hundred, two thousand."

State Penitentiaries—After line 4 add the following: "For pay of Secretary of the Penitentiary Board, six hundred (600)."

Agricultural and Mechanical College—In line 4 strike out five thousand (5000)" and insert "one thousand (1000)." Also after line 4 add the following words: "And the interest on two hundred and nine thousand dollars State bonds held by

the Agricultural and Mechanical College."

Assessors' Fees—In line 3, after the word "revenue," add the words "and school fund pro rata." Also in same line strike out "eighty-five thousand (85,000)" and insert "one hundred and sixty thousand (160,000)." Strike out line 4.

Department of Education—Between lines 7 and 8 add the following: "To enlarge building and furnish equipments, twenty-five thousand, fifteen thousand."

At the end of the bill add the following:

Miscellaneous—To pay officers of the LaSalle county district court in full of all costs incurred and adjudged against the State in fourteen civil cases, in all of which the State of Texas was plaintiff, the same being in full of all fees and costs due said officers in said suits instituted under the land fraud act, one hundred and seventy-two dollars and fifty cents.

To pay H. B. Fontaine for work performed for the Capitol Building Commissioners, twenty-five.

All of which is respectfully submitted.

JARVIS,
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 230, entitled "An act to amend article 423 of Chapter 5, title 13 of the Penal Code as amended by the General Laws of the Seventeenth Legislature,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Townsend, by request:

A bill to be entitled "An act to amend articles 2383 and 2386, title 42, chapter 3, of the Revised Civil Statutes of the State of Texas, relating to fees of county judges in probate matters, and compensation for ex-officio services."

[More fully defines the items for which charges may be made, and in some of them it increases the fee. Also provides that for presiding over the commissioners' court, ordering elections and making returns thereof, hearing and determining civil causes and transacting all other official business not otherwise provided for; the county judge in all counties having a population of ten thousand or more inhabitants shall receive a salary not less than nine hundred and sixty dollars nor more than two thousand dollars; and in counties having a less population than ten thousand inhabitants not less than three hundred dollars nor more than nine hundred dollars per annum.]

Referred to Judiciary Committee No. 1.

By Senator Frank:

A bill to be entitled "An act to amend article 1535, chapter 1, title XXXII, of the Revised Civil Statutes of the State of Texas, and to repeal section 1, chapter 98, of the General Laws, passed by the Nineteenth Legislature, approved March 31, 1885."

[Provides that justices of the peace shall be ex-officio notaries public, giving bond conditioned on the faithful discharge of duty payable to the Governor.]

Referred to Judiciary Committee No. 1.

By Senator Stephens:

A bill to be entitled "An act to amend article 685, chapter 5, title 8 of the Code of Criminal Procedure."

[The amendment reads: Article 685: Whenever it appears by the record in any criminal action upon appeal of the defendant, that any of the requirements of the eight preceding articles have been disregarded, the judgment shall be reversed; provided that it shall not be necessary to except to any error in the charge of the court at the time of the trial.]

Referred to Judiciary Committee No. 2.

By Senator Claiborne:

A bill to be entitled "An act to amend chapter 2, title 28 of the Revised Civil Statutes, by adding thereto articles 1157a, 1157b, 1157c, 1157d and 1157e."

[The bill provides that all claims or demands against a county shall be filed with the clerk of the county court, that said clerk shall present such claim to first regular meeting of the commissioners' court; that the clerk shall give notice to the owner of the claims of the action of the court; that a full record be kept of such claim and action on same by the court; and provides punishment for failure to carry out the provisions of this act.]

Referred to Judiciary Committee No. 1.

By Senator Stephens, by request:

A bill to be entitled "An act to amend article 352, title 11, chapter 2, of the Penal Code of the State of Texas."

[The law prohibits the selling of lottery tickets. This amendment seeks to prohibit the purchase of such tickets, the advertisement of same either in newspapers or otherwise, or using any influence to excuse purchasers.]

Referred to Judiciary Committee No. 2.

By Senator Kimbrough:

A bill to be entitled "An act to protect hotel and boarding house keepers."

[This bill provides that any person obtaining board through any misrepresentation, or deception, and shall fail or refuse to pay therefor, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars, and that hotel and boarding house keepers be required to post copies of this law in their different rooms.]

Referred to Committee on State Affairs.

By Senator Simkins:

A bill to be entitled "An act to amend an act to provide for the sale of such appropriated public lands situated in the organized counties of the State of Texas as contain not more than 640 acres."

[This bill seeks to require persons desiring to file on or appropriate excesses in surveys which have been purchased to give twenty days notice to said owners, and after any person has filed on such excesses or strips of land the owner or owners of the main body of the land shall have six months in which to purchase said excess.]

Referred to Committee on Public Lands.

By Senator Armistead:

A bill to be entitled "An act to amend article 808, chapter 4, title 9, of the Code of Criminal Procedure for the State of Texas, so as to make fines and forfeitures payable in county script."

Referred to Judiciary Committee No. 2.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—By request of the Senate the House has directed the return herewith of Senate joint resolution No. 12, "authorizing the Attorney-General to bring suit for the State for the violation of the State's copyright to the Supreme Court and Court of Appeals reports, and to make an appropriation therefor."

The House has passed House bill No. 368, a bill to be entitled "An act to incorporate the city of Waco and to define its boundaries and powers," by a two-third vote—yeas, 87, nays none.

The House insists upon its amendments to the Senate concurrent resolution, providing for the appointment of a joint committee to visit the institutions of learning, and asks for a conference committee on the same.

W. M. IMBODEN,
Chief Clerk House of Representatives.

The President referred House bill No. 368 (the bill just reported from the House) to the Committee on State Affairs.

On motion of Senator McDonald the special order was suspended and he called up the motion entered by Senator Simkins on the first day of February last to reconsider the vote by which the Senate passed on January 30 last Senate joint resolution No. 12, authorizing the Attorney General to bring suit for the violation of the State's copyright to the Supreme Court and Court of Appeals report and to make an appropriation therefor."

Senator McDonald made the point of order that in accordance with rule No. 55 of the Senate, the motion to reconsider was out of order, having been made two days after the Senate passed Senate joint resolution No. 12.

Senator Simkins withdrew his motion to reconsider and his motion to request the House to return the resolution.

Senator Armistead moved that the House be notified that the motion to

reconsider Senate joint resolution No. 12, and to request the House to return the same has been withdrawn.

Adopted.

On motion of Senator McDonald,
The said Senate joint resolution No. 12 was returned to the House with notification as provided in Senator Armistead's motion just adopted.

Senate bill No. 21, a bill to be entitled "An act to provide for the better assessment of personal or moveable property in the State of Texas, liable or subject to taxation under the laws of the State,"

The special order, was laid before the Senate, and

On motion of Senator Lane, was made the special order for to-morrow and to be continued from day to day until disposed of.

On motion of Senator Burney,
Senate bill No. 131, a bill to be entitled "An act to authorize the State Superintendent of Public Instruction to issue certificates of qualification and teachers' diplomas to teachers in the public free schools, and to make valid diplomas from the Peabody Normal College, Nashville, Tenn.," was made the special order for Monday after morning call.

On motion of Senator Lane,
The regular order was suspended, and

Senate bill No. 82, a bill to be entitled "An act to prevent unlawful combinations in restraint of commerce and trade, to insure free competition in all branches thereof throughout the State of Texas, to define said offense, and punish persons violating the same,"

Was taken up, read the third time and passed.

Senate bill No. 54, a bill to be entitled "An act to amend chapter 3, title 17, of the Penal Code of the State of Texas, by adding thereto article 688,"

Was laid before the Senate,

Read the third time and passed.

Senate bill No. 148, a bill to be entitled "An act to regulate the sale and transfer of judgments of courts of record, and of causes of action or interest therein where suit has been filed thereon, and to provide for recording such transfers,"

Was laid before the Senate,

Read the third time and passed by the following vote:

YEAS—18.

Abercrombie,	McDonald,
Armistead,	Maetze
Burges,	Simkins,
Claiborne,	Seale,
Frank,	Stephens,
Ingram,	Tyler,
Jarvis,	Townsend
Kimbrough,	Upshaw,
Lane,	Woodward.

NAYS—4.

Allen,	Cranford,
Harrison,	Johnson.

ABSENT—2.

Burney,	Pope.
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Senator Maetze offered the following resolution:

Change rule 55 so as to read: After a question shall have been decided in the affirmative or negative any member who voted with the prevailing side may, on the same day on which the vote is taken, or on the next day after the vote was taken, or within the next succeeding day of actual session, etc.

Referred to the Committee on Rules.

Substitute House bill No. 15, a bill to be entitled "An act to amend article 386 of the Revised Statutes of Texas," was laid before the Senate and passed by the following vote:

YEAS—23.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Burges,	McDonald,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Stephens,
Frank,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—None.

ABSENT—1.

Pope.

House bill No. 28, a bill to be entitled "An act to prevent minors from gaming," was laid before the Senate and read the third time.

Senator Tyler moved to

Amend House bill No. 28 by striking out "21" and inserting "16."

Senator Stevens moved to

Amend the amendment by striking

out '16" and inserting in lieu thereof "18."

Accepted.

The amendment as amended was lost by the following vote:

YEAS—11.

Armistead,	McDonald,
Harrison,	Stephens,
Johnson,	Tyler,
Kimbrough,	Upshaw,
Lane,	Woodward.
Maetze,	

NAYS—12.

Abercrombie,	Frank,
Allen,	Ingram,
Burges,	Jarvis,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Townsend.

ABSENT—1.

Pope.

Senator Burney moved to

Amend by inserting the words "chess and checkers" after the word "billiards."

Senator Johnson moved to add to the amendment the game of "fox and geese."

Accepted.

Senator Townsend moved to table the bill and the amendment.

Senator Pope moved to substitute that motion by postponing indefinitely.

Adopted by the following vote:

YEAS—16.

Armistead,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Harrison,	Pope,
Ingram,	Townsend,
Jarvis,	Tyler,
Johnson,	Upshaw,
Kimbrough,	Woodward.

NAYS—8.

Abercrombie,	Frank,
Allen,	Seale,
Claiborne,	Simkins,
Cranford,	Stephens.

House bill No. 162, "An act to be entitled an act to amend an act to designate what counties shall compose the Twenty-ninth judicial district of the State of Texas, and to fix the times for holding courts therein, approved March 30, 1887."

Was taken up,

Read the third time, and
Passed by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Frank,	Stephens,
Harrison,	Townsend.
Ingram,	Tyler,
Jarvis,	Upshaw,
Johnson,	Woodward.

NAYS—None.

Senate bill No. 120, a bill to be entitled "An act to amend article 339, chapter 83 of the General Laws of Texas, approved March 29, 1887, and article 341, chapter 4, title X of the Penal Code of the State of Texas, and by adding thereto articles 341a and 341b," was laid before the Senate.

Read the third time and passed.

Senate bill No. 200, a bill to be entitled "An act to amend article 3597 of the Revised Civil Statutes of the State of Texas," was laid before the Senate.

Read the third time and passed by the following vote:

YEAS—27.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Frank,	Stephens,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—1.

Townsend.

Senator Burney entered a motion to reconsider the vote by which the Senate passed Senate bill No. 120.

Senator Lane moved to reconsider the vote by which the Senate passed

Senate bill No. 82, a bill to be entitled "An act to prevent unlawful combinations in restraint of commerce and trade, to insure free competition in all branches thereof throughout the

State of Texas, to define said offense and punish persons violating the same."

Adopted.

Senator Pope moved to amend by adding:

Section 8. That any corporation created or organized by, or under the laws of this State, which shall violate any provision of the preceding sections of this act, shall thereby forfeit its corporate rights and franchises, and its corporate existence thereupon cease and determine, and it shall be the duty of the Attorney General to institute an action in behalf of the State for the forfeiture of such rights and franchises and the dissolution of such corporative existence.

Adopted by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Frank,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Upshaw,
Johnson,	Woodward.

NAYS—None.

The bill passed.

Senator Townsend offered the following resolution:

WHEREAS, The business of this body can be dispatched much more rapidly by adhering to the regular order of business; therefore be it

Resolved, That no bill shall hereafter be called up out of its regular order.

Referred to the Committee on Rules.

Senator Burney called up his motion to reconsider the vote by which the Senate passed Senate bill No. 120.

The motion was lost by the following vote:

YEAS—7.

Armistead,	Maetze,
Burges,	Tyler,
Burney,	Upshaw.
Lane,	

NAYS—17.

Abercrombie,	Kimbrough,
Allen,	McDonald,
Claiborne,	Pope,
Cranford,	Seale,
Frank,	Simkins,
Harrison,	Stephens,
Ingram,	Townsend,
Jarvis,	Woodward.
Johnson,	

Senate bill No. 5, a bill to be entitled "An act to correct abuses and prevent unjust discriminations and extortion in the rates of freight and passenger tariff on the different railroads in this State; to prevent pooling, to establish reasonable maximum rates of charges for the transportation of passengers and freight on said railroads; to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates, and to provide adequate penalties for the enforcement of the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and also to create a board of railway commissioners and to prescribe their powers and duties in relation to the same."

Was laid before the Senate and Read the second time.

On motion of Senator Johnson,

The bill was postponed and made the special order for Friday, the 15th instant, and to be continued from day to day until disposed of.

Senator Pope moved to consider Senate bill No. 211, a bill to be entitled "An act to regulate railroads doing business in the State of Texas, to fix maximum rates of freight charges on all classes of freights; to compel all such railroad companies to establish classifications on all kinds of freights, and to divide all freights in classes ranging from one to ten, inclusive; to prevent unjust discriminations, extortions, and to repeal all laws in conflict herewith,"

With Senate bill No. 5, and asked that it be reported in time to be considered with said Senate bill No. 5, by Friday, February 15.

Senate bill No. 24, a bill to be entitled "An act to extend the time within which lands that have sold, or that may hereafter be sold for taxes and bought in by the State may be redeemed,"

Was laid before the Senate and Read the second time.

Senator Townsend moved to Amend at end of bill so as to read:

"Provided that the proportion of the redemption money due the county shall be remitted to the treasury of the proper county by the Comptroller.

Adopted.

Senator Frank moved to

Amend by striking out in lines 2 and 3 "or that may be hereafter sold."

Adopted.

Senator Frank moved to strike out in line 7 down to the word "said" in line 7.

Adopted.

Senator Stephens moved to

Amend caption by inserting the word "been" between the words "have" and "sold," and strike out "that may hereafter be sold."

Adopted.

The bill, as amended, was ordered engrossed.

Senate bill No. 25, a bill to be entitled "An act to repeal chapter 8, and articles Nos. 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935 and 3936, of title 79, of the Revised Statutes of Texas," was laid before the Senate and

Read the second time.

Senator Claiborne moved to adjourn until 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—3.

Jarvis,
Seale.

Lane,

NAYS—20.

Abercrombie,
Allen,
Armistead,
Borges,
Burney,
Claiborne,
Cranford,
Frank,
Harrison,
Ingram,

Kimbrough,
Maetze,
McDonald,
Pope,
Simkins,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

On motion of Senator Tyler

Senate bill No. 51, a bill to be entitled "An act to provide for the more efficient government and maintenance of the house of correction and reformatory at Gatesville, and to make an appropriation therefor," was made the special order for next Tuesday morning after call.

On motion of Senator Tyler

The Senate adjourned till 10 o'clock a. m. to-morrow.

TWENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 7, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Cranford:

Petition from citizens of Hunt county, asking for change of time of holding court in the Eighth judicial district.

Referred to Committee on Judicial Districts.

Petition from citizens of Hopkins county, asking for change of time of holding court in the Eighth judicial district.

Referred to Committee on Judicial Districts.

By Senator Johnson, by request:

Petition of citizens of Rains county, asking for change in the time of holding district court in the Eighth judicial district.

Referred to Committee on Judicial Districts.

By Senator Upshaw:

Petition of the citizens of Hill county in opposition to the occupation tax.

Referred to Committee on Finance.

By Senator McDonald:

Petition of citizens of Lamar county, asking for the repeal of the law requiring tax on honorable business pursuits.

Referred to Committee on Finance.

By Senator Ingram:

Petition of citizens of Nacogdoches

county, asking relief for parties holding veteran and confederate certificates barred by limitation.

Referred to Committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred